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SINGLE BENCH

CF. 2002

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (S) NO. 878 /2007

PETITIONERS

1. Vishnu Kishor Chandra, Son of Vishal Nath Chandra, Aged about 36 years, Assistant Teacher, Posted in the Office of Assistant Commissioner, Adivashi Vikash, District Janjgir-Champa (C.G.)
2. Krishna kumar Jhalaria, S/o. Late Shri D.L. Jhalaria, Aged about 38 years, Assistant Teacher, Posted in Superintendent Pre-Matric, S.T. boys Hostel, Saragaon, Distt. Janjgir-Champa (C.G.)

P.N. No. 1081/07
Presented by Shri. P. S. Sahu
dated 2/2/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Tribal Welfare & Education Department, D.K.S. Bhawan, Raipur (C.G.).
2. The Commissioner, Tribal Welfare Department, Raipur (C.G.).
3. The Assistant Commissioner, Tribal Welfare Department, Janjgir-Champa (C.G.)
4. The Director, Public Instruction Department, Raipur (C.G.)



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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF
MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE
NATURE ETC.

AS 2/2/07

34

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 878 of 2007

Petitioners : Vishnu Kishor Chandra and another
Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: None appears for the petitioners.

Mr. Ajay Dwivedi, Panel lawyer for the State/respondents.

ORDER

(Passed on this 14th Day of February, 2007)

1. The petitioner was appointed vide order dated 5.11.88 (Annexure P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, she was granted regular pay scale of Rs. 975-25-1000-30-1210-40-1450-50-1650/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect

that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).
6. In view of that, this petition is allowed in the same terms. No order as to costs.

Bablu

Sd/-
Satish K. Agnihotri
Judge
